

Application Serial No. 10/822,920  
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### REMARKS

The Applicants and the undersigned thank Examiner Wong for conducting an Interview regarding the present application. Applicants have now revised the claims to clarify certain terms, as discussed in the Interview Summary. With these clarifying amendments, the Applicants respectfully submit that the pending claims are allowable over the prior art and request that the rejections be withdrawn.

Through this response Claims 17, 23, 30, 37, 40, and 42 have been amended. Claims 18, 25, 36, 38, and 46 have been cancelled. Claims 17, 23, and 37 remain the independent claims.

#### **A. STATEMENT OF THE REJECTION**

The Examiner rejected Claims 17-46 in the Office Action. The Examiner rejected Claims 17-46 under 35 U.S.C. § 103(a) as allegedly obvious in view of U.S. Patent Nos. 5,924,072 ("Havens"); 6,411,939 ("Parsons"); and 5,819,231 ("Tremaine").

#### **B. TRAVERSAL OF THE REJECTION OF CLAIMS 17, 23, AND 37**

The Examiner has alleged that Havens, Parsons, and Tremaine render Claims 17-46 of the present application obvious. In view of the distinctions now illustrated by the clarifying claim amendments to Claims 17, 23, and 37, the Applicants respectfully request that the Examiner withdraw the rejections as to the pending claims. No new matter is added and support for the claim amendments and new claims can be found throughout the specification and the original claims.

##### **1. Havens does not disclose or suggest collecting raw competitive rewards data through one or more data feeds**

Havens teaches storing "knowledge items" from a submitter (i.e., an employee of an organization), not collecting competitive rewards data through one or more data feeds.

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In response to receiving a knowledge item—which is defined in Havens as “any data, graphic, document, process, or other compilation of textual, audiovisual, multimedia, or other information concerning a topic of past, current, or potential future interest, usefulness, or applicability to the function of knowledge workers within the organization”—an incentive module 24 may “generate incentives according to activity associated with knowledge items.” (Havens, column 6, lines 23-25). Havens continues by explaining that these “incentives,” including “any acknowledgements, commendations, tangible or intangible forms of recognition that the organization believes will incent or otherwise encourage desirable activity from its knowledge workers with respect to knowledge items,” may be generated “if feedback information 2 from assessor 14 indicates that assessor 14 found knowledge item 8 especially useful.” (Havens, column 6, lines 35-43). Thus, the incentives are related to specifically to the submission of knowledge items in Havens. This is in sharp contrast to the amended language of Claims 17, 23, and 37 reciting that competitive rewards data comprises “at least one of base pay data, long term incentive data, annual incentive pay data, and benefit plan provision data.”

Moreover, raw competitive data is not being “collected through one or more data feeds” for incorporation into a database in Havens, but rather incentives are being generated and rewarded for the submission of knowledge items by knowledge workers. Thus, even assuming that the incentives in Havens could be compared to the competitive rewards data in the pending claims (which they cannot), the incentives are not collected, as recited by Claims 17, 23, and 37, but are rather generated in the Havens system.

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Accordingly, the Applicants respectfully request that the rejections as to Claims 17, 23, and 37 be withdrawn.

**2. Havens does not disclose analyzing the raw competitive rewards data**

Havens describes a tool for retrieving information regarding worker incentives to give a supervisor a list “for assessing the productivity, contribution, and performance of knowledge workers with respect to intellectual property of the organization.” (See Havens, column 7, lines 13-22). Thus, in Havens, it is the supervisor who performs an analysis of the data. In contrast, amended Claim 3, for example, recites “analyzing the mapped competitive rewards data by performing a comparison of the competitive rewards data to one of the benchmarks maintained by the competitive rewards database.” Accordingly, while Havens teaches retrieving a list of the incentives provided to knowledge workers to assist an analysis, amended Claim 23 specifically recites “performing a comparison of the competitive rewards data to one of the benchmarks maintained by the competitive rewards database.” This “comparison of the competitive rewards data” to benchmarks is not disclosed or suggested by Havens.

Similar to Claim 23, independent Claims 17 and 37, as now amended, likewise clarify the analysis process performed in the claims. Accordingly, the Applicants respectfully request that the rejections as to Claims 17, 23, and 37 be withdrawn.

**C. TRAVERSAL OF THE REJECTION OF DEPENDENT CLAIMS 19-22, 24, 26-35, AND 39-45**

Claims 19-22, 24, 26-35, and 39-45 are patentably distinct from the cited references for at least the reason that they depend from independent Claims 17, 23, and 37. If an independent claim is allowable, then the claims dependent thereon should also be allowable because they include the limitations of the independent claim. In re Fine, 5

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U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988). Therefore, in view of the foregoing remarks with respect to independent Claims 17, 23, and 37, the Applicants respectfully submit that each pending, dependent claim is patentable over the prior art.

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CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed on December 7, 2007. The Applicants have submitted remarks to traverse the rejections of the pending claims. The Applicants and the undersigned thank Examiner Wong for her careful consideration of the above remarks. The Applicants respectfully submit that the present application is in condition for allowance, and such action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned at (404) 572-2746.

Respectfully submitted,



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